

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:

TANYA JENEEN BAILEY,

Debtor.

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Case No. 06-80118

(Chapter 13)

CONSENT ORDER RESCINDING ORDER OF FEBRUARY 28, 2007

THIS CAUSE comes on before the undersigned United States Bankruptcy Judge for the Middle District of North Carolina, upon the Motion For Reconsideration Of Court's Order Of February 28, 2007, (herein the "Motion") filed by Coastal Federal Credit Union (herein "Coastal"). The parties have agreed to resolve the Motion on the terms set forth herein, to which the Trustee has no objection, as evidenced by their respective signatures set forth below. After having reviewed the Motion and the record in this case, the Court approves such settlement.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. That the Order entered on February 28, 2007 is hereby set aside.
2. That within thirty (30) days from entry of this Consent Order, Debtor's counsel shall file an adversary proceeding against Nationwide Insurance Company to resolve a dispute that has arisen between the Debtor and Nationwide Insurance Company as to the amount owed by Nationwide Insurance Company to the Debtor relative to an accident involving the Debtor's 1997 Lexus ES, VIN # JT8BF22G4V0054968 (herein the "Vehicle").
3. That the Trustee shall immediately resume making regular monthly payments on Coastal's allowed secured claim(s) relative to the Vehicle until such time as the Debtor reaches a resolution of her dispute with Nationwide Insurance Company and all available insurance proceeds relative to the Vehicle are delivered in-hand to the Trustee's office.
4. That upon delivery of any such funds to the Trustee, they shall be applied first to the then-remaining balance due on Coastal's secured claim relative to the Vehicle, then to the then-remaining balance due on Coastal's cross-collateralized claim secured by the Vehicle, and any remaining insurance proceeds shall be held in escrow by the Trustee pending the conclusion of this case. In the event the Debtor receives a discharge, any such remaining funds shall be tendered to the Debtor upon the closing of this case. In the event this case is dismissed prior to completion, any remaining funds shall be forwarded to Coastal by the Trustee upon the closing of this case. This shall not preclude the Debtor from filing a Motion for Substitution of Collateral regarding application of any eventual insurance settlement, nor shall it bind Coastal to acceptance of any such Motion.

5. That the Trustee is authorized to extend the term and/or modify the base amount of the Chapter 13 Plan as necessary to accommodate resumed payments to Coastal on its secured claim(s) herein. Any such modification shall be effective thirty (30) days following notice to the Debtor and opportunity to object.

6 That time is of the essence to each and all of the provisions of this Consent Order.

7 That this Court shall, and hereby does, retain jurisdiction over this matter, the parties hereto, and the subject matter hereof, to the extent permitted under applicable law, for the entry of such other and further orders as are either necessary or appropriate to accomplish the foregoing.

CONSENTED TO AND ACCEPTED:

KIRSCHBAUM, NANNEY, KEENAN & GRIFFIN, P.A.

By: s/ Pamela P. Keenan
Pamela P. Keenan
N.C. State Bar No.20328
Attorneys for Coastal Federal Credit Union
Post Office Box 19766
Raleigh, North Carolina 27619
Telephone: (919) 848-0420

By: s/ Ed Boltz
Law Office of John T. Orcutt
NC State Bar Number: 23003
Attorney for Debtor
6616-203 Six Forks Rd.
Raleigh, NC 27615
Telephone: (919) 847-9750

By: s/ Richard M. Hutson, II
Richard M. Hutson, II
Chapter 13 Trustee
P. O. Box 3613
Durham, NC 27702

PARTIES TO BE SERVED

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Tanya Jeneen Bailey
5304 Dilbagh Dr.
Durham, NC 27703

John T. Orcutt
6616-203 Six Forks Rd.
Raleigh, NC 27615

Richard M. Hutson, II
PO Box 3613
Durham, NC 27702

Pamela P. Keenan
Kirschbaum, Nanney, Keenan & Griffin, P.A.
PO Box 19766
Raleigh, NC 27619